IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 579 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

@

MR SUDHIRCHANDRA BJOSHI

Versus

NARENDRA M GANDHI

Appearance:

1. Criminal Appeal No. 579 of 1988

MR MANISH UPADHYAY, Ld. Advocate for Petitioner No. 1

MR NS SHETH for Respondent No. 2

MR BY MANKAD, ADDL.PUBLIC PROSECUTOR for Respondent No. 3

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 13/08/2001

ORAL JUDGEMENT

Heard learned APP Mr. BY Mankad and Mr. Manish Upadhyay, learned Advocate for the respondents.

It is clear that in this case there was a clear breach of Section 11(1)(c) of the Act. It appears that the sample was taken in this matter way back on 10.6.1983 i.e. more than 18 years from today. It is also not clear as to whether the bottle in which sample was collected was clean or not. Considering the reasons assigned by the learned Judge, it would not be proper for this Court to reverse the said judgement after a period of 18 years of the commission of offence. In that view of the matter, no interference is called for with the order of acquittal passed by the learned trial Judge. Accordingly, this appeal fails and is dismissed.

(B.J.Shethna, J.)

*/Mohandas